

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (i.e., Claims 36-41 and 48-52) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention provides a detachable connection for two elements, such as rods or probes pertaining, for example, to furniture or other equipment for which a strong, but temporary attachment is sought. The present invention, as now claimed, provides a detachable connection of two elements, which includes a single bolt arranged between the two elements which are to be detachably connected and a tensioning body having an azimuthally extending slot through which the bolt is penetratable for connecting the single bolt at one end to one element of the two elements. The tensioning body is able to rotate relative to the element to which it is attached about an axis extending substantially perpendicular to the bolt with the tensioning body being connected in any rotational position relative to the bolt. Means for fastening the bolt to the tensioning body are rotatable about a longitudinal axis that is distanced from the axis of the tensioning body and substantially parallel thereto, with such means for fastening including a retaining head detachably attached to

the bolt and being rotatable relative to the tensioning body. The retaining head is eccentrically located within the tensioning body for tensioning the bolt in an axial direction with rotational movement of the tensioning body compensating the retaining head via a contra-rotational movement, thereby transmitting tension to the single bolt for fixing to the bolt at one end to one element of the two elements. The bolt is not fixed, unlike the prior art, via a screw-like movement in the axial direction.

In order that the tensioning body is not adversely wedged by forces acting via the bolt, the bolt on the tensioning body should be attached, to the extent possible, centrally on the tensioning body with respect to its longitudinal direction. For this reason, the tensioning body has, for a precise alignment, an azimuthally extending slot, which the bolt penetrates. A tensioning body with this feature may be of, or provide, greater axial extension, which makes an unfavorable wedging even more difficult.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient assembly for a detachable connection of two elements either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 36 (and all remaining claims via dependency) to now recite that there is only a single bolt used for the con-

nection of the claimed apparatus, and for tensioning the bolt in the axial direction, it is necessary that the retaining head (2) is located eccentrically within the tensioning body (1). Subject matter support for the present amendment entered to Claim 36 exists at Page 11, line 10 - Page 12, line 9, which provides the detailed description of that illustrated in FIG. 2.

In amending independent Claim 36, Applicant has recited "an attachment rod consisting of only one bolt" as the first sub-paragraph of the claim, but have otherwise used "comprising" language for the transitional clause of the claim existing between the claim preamble and the body of the claim. Such claim language maintains the claim "open" to all further elements, except any additional bolts; the claim is "closed" to a second bolt, as is shown in the applied prior art.

Case law support for "closing" the language of one claim element, but not otherwise closing the language of the entire claim, is found in Mannessman Demag Corp. v. Engineered Metal Products Co., Inc., 793 F.2d 1279, 230 USPQ 45, 46 (Fed. Cir. 1986) ("The court correctly observed that the phrase 'consisting of' appears in clause (a), not the preamble of the claim, and thus limits only the element set forth in clause (a). The court correctly declined to read this usage of 'consisting of' as excluding all other elements from the claim as a whole."). In Berenter v. Quigg, 737 F.Supp. 5, 14 USPQ2d

1175-1176 (D.D.C. 1988), following the holding in *Mannessman*, the district court reversed the Board of Appeals affirmation of a final rejection and entered summary judgment against the PTO finding that "use of the open word 'comprising' in the preamble" still allowed the patent applicant to "close" the second step of a two-step method claim, by use of the phrase "consisting of" for that second step, without closing the entire method claim to the addition of further steps, not inconsistent with closure of the second recited method step.

Applicant therefore respectfully submits that independent Claim 36, as well as Claims 37-41 and 48-52, which depend either directly or indirectly from Claim 36, are restricted, or "closed," to only a single bolt, but are otherwise "open" to the inclusion of further, unspecified elements not inconsistent with having only a single bolt. Claims 36-39 have therefore been amended herein to recite only --one-- bolt.

Finally, dependent Claims 37 and 38 have been amended to enter the Examiner's suggested (and helpful) claim amendments to "better word" the intended recitation of these claims.

Turning now, in detail, to an analysis of the Examiner's prior art rejection, in the third Office Action the Examiner has rejected Claims 36-41 and 48-52 as being anticipated, pursuant to 35 U.S.C. §102(b), by Henriott et al., U.S. Patent No. 5,810,505, on the contention that Henriott et al. discloses a detachable connection of two elements (22) with

two elements detachably connected to one another via the bolt, a tensioning body having an azimuthally extending slot (62), through which the bolt is penetratable for fixing the bolt at one end of one of the two elements, with the tensioning body being rotatable relative to the one element about an axis substantially perpendicular to the bolt, and means for fastening the bolt to the tensioning body, as recited in independent Claim 36, subsequent to Applicant's Amendment responsive to the prior Office Action.

In reply to the Examiner's anticipation rejection applying Henriott et al., the "double threaded" fastener system of the applied reference, in contrast to Applicant's presently claimed invention, utilizes a "screw-like" movement of two bolts (44) for tensioning in an axial direction, whereas in Applicant's invention has a singular bolt that is never screwed. Rather, the tensioning movement of the claimed invention is performed by turning the tensioning body (1) via rotation with the bolt (3) being fixed by the retaining head (2). For tensioning of the bolt in an axial direction, in contrast to Henriott et al., it is necessary that the retaining head (2) be located eccentrically within the tensioning body (1), as now recited in independent Claim 36. By rotating the tensioning body (1) in a direction by which the bolt (3) is lengthened, tension is applied (without a screw-like movement, unlike Henriott et al.) and the bolt is fixed to the end of one of the elements.

Henriott et al., as best illustrated in FIG. 1 of this citation, shows screws 44 (i.e., bolts) that are turned in a screw-like manner via screw heads (46) for causing tensioning in an axial direction. The manner of tensioning in Applicant's claimed invention utilizes only a single bolt, and tensions without a screw-like movement in the axial direction.

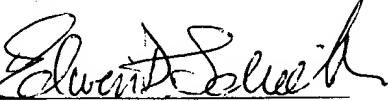
Consequently, it is respectfully submitted that the present invention, as now recited in independent Claim 36, is neither anticipated by, nor rendered obvious over, the "double-threaded" fastener system of Henriott et al., and it is respectfully submitted that withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection is appropriate and requested.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (i.e., Claims 36-41 and 48-52) recite a novel and efficient assembly for a detachable connection of two elements having a tensioning body for securing a connecting bolt therethrough which provides for tensioning of the single bolt without a screw-like movement in the axial direction and which includes an azimuthally extending slot, which is able to provide the tensioning body with greater axial extension and a more precise alignment, without unfavorable wedging, which is patentably distinguishable over the prior art.

Accordingly, withdrawal of the outstanding objections and rejection, and the allowance of all claims now pending, are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of time; and,
2. Check for \$475.00 (Three-Month Extension),

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.